

**MAINE EMS  
INVESTIGATIONS COMMITTEE MEETING  
MONDAY, JANUARY 23, 2006  
ROOSEVELT CONFERENCE ROOM, AUGUSTA  
RATIFIED BY THE MAINE EMS BOARD FEBRUARY 1, 2006  
MEETING MINUTES**

**Present:** Steve Leach, Rick Doughty, Carol Pillsbury

**Staff:** Drexell White, Dawn Kinney

**AAG:** Laura Yustak Smith

**1. Call To Order:** The meeting was called to order at 10:15 a.m.

**A. Additions/Deletions to the Agenda – None**

**2. Investigations**

**A. Case 06-03 – Informal Conference**

The committee entered executive session for the purpose of conducting an informal conference with the subject of case 06-03. The subject of the informal conference attended via video conference.

***Motion:*** *To enter executive session pursuant to 32 M.R.S.A. §90.A.3, §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of conducting an informal conference with the subject of case 06-03 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned case. (Leach; Pillsbury - motion carries)*

The committee entered executive session at 10:22 a.m. and exited at 10:45 a.m.

Following executive session, the committee discussed options for disposition of case 06-03

***Motion:*** *That the subject of case # 06-03 violated Maine EMS Rules (dated July 1, 2003) Chapter 11, § 1.2 – Violating a lawful order, rule or consent agreement of the Board, §1.3- Violating any of the provisions of 32 M.R.S.A. Chapter 2-B and §1.30 - Providing treatment at a level for which a person is not licensed or for which a service is not licensed or permitted; that the violations are based upon subject's practice of EMS patient care during the period of time from July 1, 2005 to October 2, 2005, during which time the subject did not hold a valid Maine EMS license; that aggravating circumstances do not exist in the case; that mitigating circumstances exist in that the subject displayed no intent to deceive Maine EMS about subject's license status; that subject accepted responsibility for subject's actions, that subject possessed the training and testing necessary to license at the time of the unlicensed practice, that subject responded on only four calls during the period of unlicensed practice, that subject applied for and was licensed immediately after discovery of subject's unlicensed practice, that Maine EMS was notified by the subject's service about the subject's practice and non-licensed status and that no harm came to a patient as a result of subject's unlicensed practice; and that the committee proposes to resolve the investigation by issuing a Letter of Guidance to subject, said Letter of Guidance to remain in subject's file for a period of five years (Leach; Doughty – motion carries).*

**B. Case 06-04 – Informal Conference**

The committee entered executive session for the purpose of conducting an informal conference with the subject of case 06-04. The Licensee subject of the informal conference attended via video conference.

***Motion:*** *To enter executive session pursuant to 32 M.R.S.A. §90.A.3, §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of conducting an informal conference with the subject of case 06-04 and 1 M.R.S.A. §405(6)(E) for receiving legal advice on the aforementioned case. (Leach; Pillsbury - motion carries)*

The committee entered executive session at 10:51 a.m. and exited at 11:26 a.m.

Following executive session, the committee discussed options for disposition of case 06-04

***Motion:*** *That the Licensee subject of case # 06-04 violated Maine EMS Rules (dated July 1, 2003) Chapter 11, § 1.2 – Violating a lawful order, rule or consent agreement of the Board, §1.3- Violating any of the provisions of 32 M.R.S.A. Chapter 2-B and §1.34 – Aiding the practice of emergency medical treatment by a person who is not licensed or qualified to perform said practice, skills or treatment; that the*

*violations are based upon Licensee's use of a non licensed person to provide emergency medical response and emergency medical care on behalf of the Licensee during the period of time from July 1, 2005 to October 2, 2005; that aggravating circumstances exist in that Licensee had received a Letter of Guidance from Maine EMS in 2003 for similar Rules violations and that Licensee has been inconsistent in reporting personnel status as required in Maine EMS Rules Chapter 3 §7.2; that mitigating circumstances exist in that the Licensee reported the incidents of non-licensed practice to Maine EMS and accepted responsibility for the violations, that the violations took place during a time of management transition, that Licensee displayed no intent to deceive Maine EMS, that Licensee has taken additional steps to prevent recurrence of unlicensed practice by Licensee's personnel and that no harm came to a patient as a result of the violations; and that the committee proposes to resolve the investigation by issuing a Letter of Warning to licensee (Leach; Pillsbury – motion carries 2 – 1, Doughty opposed).*

### **C. Executive Session to Discuss Investigations**

The committee entered executive session for the purpose of discussing investigations.

*Motion: To enter executive session pursuant to 32 M.R.S.A. §90.A.3, §92.3 and 1 M.R.S.A. §405(6)(F) for the purpose of discussing investigations and 1 M.R.S.A. §405(6)(E) for receiving legal advice on pending complaints and investigations. (Leach; Pillsbury - motion carries)*

The committee entered executive session at 11:44 a.m. and exited at 12:07 p.m.

The committee directed staff to respond to the University Ambulance Corp letter of January 9, 2006, thanking them for responding to Maine EMS' inquiry and advising the service that no further action by Maine EMS is warranted as the subject of the letter did not perform patient care and does not hold a Maine EMS license.

### **3. Next Meeting**

The next meeting is scheduled for Thursday, February 16, 2006 at 9:30 a.m.

### **4. Adjourn** – The meeting was adjourned at 12:10 p.m.

Respectfully submitted,

Drexell White